

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

LLOYD KIDD,

Defendant.

18 Cr. 872 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On February 2, 2024, the Court received a letter from Defendant in which Defendant asks the Court to recuse itself from this matter so that Defendant can file a motion pursuant to 28 U.S.C. § 2255 before another judge. (See Dkt. No. 135.) Defendant grounds his request for recusal upon his belief that the Court is "biased against [Defendant]." (Id.)

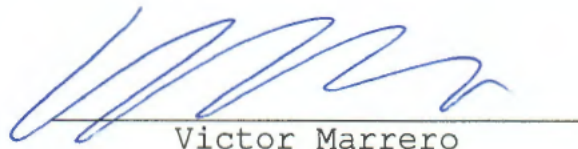
The Court construes Defendant's letter as a motion made pursuant to 28 U.S.C. §§ 144 and 455. After careful consideration, the motion is hereby **DENIED**. See generally Holmes v. NBC/GE, 925 F. Supp. 198, 200-02 (S.D.N.Y. 1996). The Court notes that Defendant already presented to the Second Circuit his argument that this Court is biased against him, and the Second Circuit rejected the argument as meritless. (See Dkt. No. 134 at 9-10.)

Defendant further requests the appointment of counsel in connection with his proposed 28 U.S.C. § 2255 motion. (See

Dkt. No. 135.) The Court declines to appoint counsel at this time. Defendant is advised to file his proposed motion, and the Court will at that point determine whether it is necessary to appoint counsel. See United States v. Feliz, No. 16 Cr. 809, 2023 WL 8275897, at *2 (S.D.N.Y. Nov. 30, 2023) (setting forth standard for appointment of counsel with respect to collateral attack). The Clerk of Court is hereby respectfully **ORDERED** to mail the Instructions for Filing Motion under 28 U.S.C. § 2255* to Defendant Lloyd Kidd, No. 86406054, FCI Williamsburg, P.O. Box 340, Salters, S.C. 29590.

SO ORDERED.

Dated: 5 February 2024
New York, New York


Victor Marrero
U.S.D.J.

* The instructions are also available on the Court's website, located at <https://www.nysd.uscourts.gov/node/839>.